

Trade Act of 1974 (19 U.S.C. 2412(b)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting “or designated as a priority foreign country under section 183(c)” after “section 182(a)(2)”; and

(2) in subparagraph (D), by striking “by reason of subparagraph (A)” and inserting “with respect to a country identified under section 182(a)(2)”.

(c) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following:

“Sec. 183. Identification of countries that disrupt digital trade.”.

SA 1993. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. INVESTIGATION OF CENSORSHIP AND BARRIERS TO DIGITAL TRADE.

(a) IN GENERAL.—Subsection (b) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter preceding subparagraph (A), as redesignated by paragraph (1), by striking “If the Trade Representative” and inserting “(1) If the Trade Representative”;

(3) by adding at the end the following:

“(2) For purposes of paragraph (1), an act, policy, or practice that is unreasonable includes any act, policy, or practice, or any combination of acts, policies, or practices, that denies fair and equitable market opportunities, including through censorship or barriers to the provision of domestic digital services, by the government of a foreign country that—

“(A) precludes competition by conferring special benefits on domestic entities or imposing discriminatory burdens on foreign entities;

“(B) provides inconsistent or unfair market access to United States persons;

“(C) requires censorship of content that originates in the United States; or

“(D) requires extrajudicial data access that disadvantages United States persons.”.

(b) AUTHORIZED ACTION.—Subsection (c) of such section is amended by adding at the end the following:

“(7) In the case of an act, policy, or practice described in paragraph (2) of subsection (b) by the government of a foreign country that is determined to be unreasonable under paragraph (1) of that subsection, the Trade Representative may direct the blocking of access from that country to data from the United States to address the lack of reciprocal market access or parallel data flows.”.

(c) CONFORMING AMENDMENT.—Section 304(a)(1)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)(A)(ii)) is amended by striking “(b)(1)” and inserting “(b)(1)(A)”.

SA 1994. Mr. PAUL (for himself, Mr. COONS, and Mr. TILLIS) submitted an amendment intended to be proposed to

amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 478, strike line 17, and all that follows through page 485, line 18, and insert the following:

SEC. 2527. BASIC RESEARCH.

(a) NONDISCLOSURE OF MEMBERS OF GRANT REVIEW PANEL.—Notwithstanding any other provision of law, each agency that awards a Federal research grant shall not disclose, either publicly or privately, to an applicant for such grant the identity of any member of the grant review panel for such applicant.

(b) PUBLIC ACCESSIBILITY OF RESEARCH FUNDED BY TAXPAYERS.—

(1) DEFINITION OF FEDERAL AGENCY.—In this section, the term “Federal agency” means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) FEDERAL RESEARCH PUBLIC ACCESS POLICY.—

(A) REQUIREMENT TO DEVELOP POLICY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this section, each Federal agency with annual extramural research expenditures of over \$100,000,000 shall have an agency research public access policy that is consistent with and advances the goals of the Federal agency.

(ii) COMMON PROCEDURES.—Where appropriate, Federal agencies required to develop a policy under clause (i) shall follow common procedures for ensuring access to research papers to minimize compliance burdens and costs and avoid unnecessary duplication of existing mechanisms.

(B) CONTENT.—Each Federal research public access policy shall provide for—

(i) submission to a digital repository or access through a system that achieves the goals of this section designated or maintained by the Federal agency of an electronic version of the accepted manuscript of original research papers that have been accepted for publication in peer-reviewed journals and that result from research supported, in whole or in part, from funding by the Federal Government;

(ii) the incorporation of any changes resulting from the peer review process in the accepted manuscript described under clause (i);

(iii) the replacement of the accepted manuscript with the final published version if—

(I) the publisher consents to the replacement; and

(II) the goals of the Federal agency for functionality and interoperability are retained; and

(iv) free online public access to such accepted manuscripts or final published versions within a time period that is appropriate for each type of research conducted or sponsored by the Federal agency, not later than 12 months after the official date of publication in peer-reviewed journals.

(C) APPLICATION OF POLICY.—Each Federal research public access policy shall—

(i) apply to—

(I) researchers employed by the Federal agency whose works remain in the public domain; and

(II) researchers funded by the Federal agency; and

(ii) provide that works described under clause (i)(I) shall be—

(I) marked as being public domain material when published; and

(II) made available at the same time such works are made available under subparagraph (B)(iv).

(D) EXCLUSIONS.—Each Federal research public access policy shall not apply to—

(i) research progress reports presented at professional meetings or conferences;

(ii) laboratory notes, preliminary data analyses, notes of the author, phone logs, or other information used to produce accepted manuscripts;

(iii) classified research, research resulting in works that generate revenue or royalties for authors (such as books) or patentable discoveries, to the extent necessary to protect a copyright or patent; or

(iv) authors who do not submit their work to a journal or works that are rejected by journals.

(3) RULE OF CONSTRUCTION REGARDING PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to limit any exclusive right under the provisions of title 17 or 35, United States Code.

(4) GAO REPORT.—Not later than 3 years after the date of enactment of this section, and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report that—

(A) includes an analysis of the period between the date on which articles generally become publicly available in a journal and the date on which the accepted manuscript is in the online repository of the applicable Federal agency;

(B) examines the effectiveness of the Federal research public access policy in providing the public with free online access to papers on research funded by each Federal agency required to develop a policy under paragraph (2)(A); and

(C) examines the impact of the Federal research public access policy on the availability, quality, integrity, and sustainability of scholarly communication and on the degree to which policies avoid unnecessary duplication of existing mechanisms.

(5) DOWNSTREAM REPORTING.—Any person or institution awarded a grant from a Federal research agency shall—

(A) notify and seek authorization from the relevant agency for any funds derived from the grant made available through a subgrant or subsequent grant (including to an employee or subdivision of the grant recipient's organization); and

(B) ensure that each subgrant or subsequent grant award (including to an employee or subdivision of the grant recipient's organization) funded with funds derived from the Federal grant is within the scope of the Federal grant award.

(6) IMPARTIALITY IN FUNDING SCIENTIFIC RESEARCH.—Notwithstanding any other provision of law, each Federal agency, in awarding grants for scientific research, shall be impartial and shall not seek to advance any political position or fund a grant to reach a predetermined conclusion.

SEC. 2528. GAO STUDY ON OVERSIGHT OF FEDERAL SCIENCE AND TECHNOLOGY GRANT MAKING AND INVESTMENTS.

(a) FINDINGS.—Congress finds that—

(1) in instances such as the Troubled Asset Relief Program, the American Recovery and Reinvestment Act of 2009, Iraq, and Afghanistan, Congress has created special inspectors general and other oversight entities focused on particular program areas who have performed in outstanding ways;

(2) the oversight entities described in paragraph (1) have helped to strengthen oversight

in cross-agency activities and where component inspectors general may have otherwise faced significant challenges;

(3) because of the cross-agency nature of Federal science and technology activities, Congress created the Office of Science and Technology Policy to coordinate and harmonize among science functions at agencies;

(4) the United States innovation ecosystem, which uses multiple science agencies to invest in research and development, can make it more difficult to identify and remove scientists who violate research integrity principles;

(5) the single agency jurisdiction of an agency inspector general can be a disadvantage with respect to their oversight roles, and opportunities to strengthen the system may exist;

(6) single agency jurisdiction of inspectors general may also make it difficult to harmonize principles and standards for oversight of waste, fraud, and abuse among agencies; and

(7) certain issues of fraud, waste, and abuse in Federal science and technology activities span multiple agencies and are more apparent through cross-agency oversight.

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to Congress a report that—

(1) evaluates the frequency of cases of waste, fraud, or abuse perpetrated across multiple Federal science agencies by an awardee or group of awardees;

(2) evaluates the effectiveness of existing mechanisms to detect waste, fraud, and abuse perpetrated across multiple Federal science agencies by an awardee or group of awardees; and

(3) evaluates options for strengthening detection of waste, fraud, and abuse perpetrated across multiple Federal science agencies by an awardee or group of awardees, including by examining the benefits and drawbacks of—

(A) providing additional support to agency inspectors general with regard to coordinated oversight of Federal and technology grant making investments; and

(B) alternative mechanisms for strengthening prevention and detection of waste, fraud, and abuse across Federal science agencies perpetrated across multiple Federal science agencies by an awardee or group of awardees, such as the establishment of a special inspector general or other mechanisms as the Comptroller General sees fit.

SA 1995. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. TECHNICAL AND LEGAL SUPPORT FOR ADDRESSING INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT CASES.

(a) IN GENERAL.—The head of any Federal agency may provide support, as requested and appropriate, to United States persons seeking technical, legal, or other support in

addressing intellectual property rights infringement cases regarding the People's Republic of China.

(b) UNITED STATES PERSON DEFINED.—In this section, the term “United States person” means—

(1) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(2) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SA 1996. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. AUTHORITY OF U.S. CUSTOMS AND BORDER PROTECTION TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.

(a) IN GENERAL.—Section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “consolidate, discontinue,” and inserting “discontinue”; and

(ii) by inserting after “reduce the staffing level” the following: “below the optimal staffing level determined in the most recent Resource Allocation Model required by section 301(h) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(h))”; and

(B) in paragraph (2), by inserting “, National Account Managers” after “Financial Systems Specialists”; and

(2) by adding at the end the following:

“(d) AUTHORITY TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection may, subject to subsection (b), consolidate, modify, or reorganize customs revenue functions delegated to the Commissioner under subsection (a), including by adding such functions to existing positions or establishing new or modifying existing job series, grades, titles, or classifications for personnel, and associated support staff, performing such functions.

“(2) POSITION CLASSIFICATION STANDARDS.—At the request of the Commissioner, the Director of the Office of Personnel Management shall establish new position classification standards for any new positions established by the Commissioner under paragraph (1).”

(b) TECHNICAL CORRECTION.—Section 412(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 212(a)(1)) is amended by striking “403(a)(1)” and inserting “403(1)”.

SA 1997. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science

Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division C, add the following:

SEC. 3314. PREVENTING IMPORTATION OF SEAFOOD AND SEAFOOD PRODUCTS HARVESTED OR PRODUCED USING FORCED LABOR.

(a) DEFINITIONS.—In this section:

(1) CHILD LABOR.—The term “child labor” has the meaning given the term “worst forms of child labor” in section 507 of the Trade Act of 1974 (22 U.S.C. 2467).

(2) FORCED LABOR.—The term “forced labor” has the meaning given that term in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(3) HUMAN TRAFFICKING.—The term “human trafficking” has the meaning given the term “severe forms of trafficking in persons” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(4) SEAFOOD.—The term “seafood” means fish, shellfish, processed fish, fish meal, shellfish products, and all other forms of marine animal and plant life other than marine mammals and birds.

(5) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(b) FORCED LABOR IN FISHING.—

(1) RULEMAKING.—Not later than one year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Secretary, shall issue regulations regarding the verification of seafood imports to ensure that no seafood or seafood product harvested or produced using forced labor is entered into the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(2) STRATEGY.—The Commissioner of U.S. Customs and Border Protection, in coordination with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall—

(A) develop a strategy for using data collected under Seafood Import Monitoring Program to identify seafood imports at risk of being harvested or produced using forced labor; and

(B) publish information regarding the strategy developed under subparagraph (A) on the website of U.S. Customs and Border Protection.

(c) INTERNATIONAL ENGAGEMENT.—The United States Trade Representative, in coordination with the Secretary of Commerce, shall engage with interested countries regarding the development of compatible and effective seafood tracking and sustainability plans in order to—

(1) identify best practices;

(2) coordinate regarding data sharing;

(3) reduce barriers to trade in fairly grown or harvested fish; and

(4) end the trade in products that—

(A) are harvested or produced using illegal, unregulated, or unreported fishing, human trafficking, or forced labor; or

(B) pose a risk of fraud.

SA 1998. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and